

HUMAN SERVICES

(a)

CATASTROPHIC ILLNESS IN CHILDREN RELIEF FUND COMMISSION

Reasonable and Customary Charges; Special Education; Residency

Proposed Amendments: N.J.A.C. 10:155-1.2, 1.3, and 1.11

Authorized By: Catastrophic Illness in Children Relief Fund Commission, Christian Heiss, Executive Director.

Authority: N.J.S.A. 26:2-148 through 159.

Calendar Reference: See Summary below for explanation of exception to rulemaking calendar requirement.

Proposal Number: PRN 2021-107.

Submit comments by January 14, 2022, to:

Christian Heiss, Executive Director
Department of Human Services
Catastrophic Illness in Children Relief Fund
PO Box 728
Trenton, NJ 08625-0728
Fax: 609-341-2236
Email: Christian.Heiss@dhs.nj.gov
Delivery Address:
140 E. Front Street, 3rd Floor
Trenton, NJ 08608

The agency proposal follows:

Summary

The Catastrophic Illness in Children Relief Fund (Fund) was established by legislation to provide financial assistance to families whose children have experienced an illness or condition not fully covered by insurance, State or Federal programs, or any other resource. The Fund is designed to provide a safety net for families struggling with a child's previously incurred medical expenses. The Catastrophic Illness in Children Relief Fund Commission (Commission) is charged with oversight of the Fund. From time to time, the Commission finds it necessary and appropriate to propose amendments to the rules that govern the operation of the Fund.

The Commission proposes to amend N.J.A.C. 10:155-1.2 to add a definition of "special education." Although special education services are ineligible for reimbursement from the Fund pursuant to N.J.A.C. 10:155-1.15, the term was not defined in the chapter. The Commission proposes to use the definition "special education" as set forth in the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1401(29), and its implementing regulations. The Commission notes that this definition of "special education" is also found at N.J.A.C. 6A:14 Appendix C, the rules governing special education in New Jersey.

The Commission proposes to amend N.J.A.C. 10:155-1.3, which defines the child's residency for eligibility purposes, to more closely align with N.J.S.A. 26:2-155. Rather than requiring that the child's residency be tied to a parent's residency, this proposed change would require that only the child's residency be taken into consideration for eligibility purposes.

The Commission has provided a 60-day comment period for this notice of proposal. Therefore, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The Commission believes the inclusion of the definition of "special education" will have a positive social impact in that it will add clarity to the rules and help alleviate any confusion families may have regarding expenses that are eligible for reimbursement.

The Commission believes the amendment to determine residency based on the child, rather than the parent or legal guardian will have a positive social impact in that more families will be eligible for assistance. While not a frequent occurrence, families living in New Jersey have

applied for assistance but have been found ineligible because the parents were not lawfully present in the United States.

Economic Impact

The Commission believes the amendment to determine residency based on the child rather than the parent or legal guardian will have a positive economic impact in that more families will be eligible to receive financial assistance for medical expenses for a child who is a resident of New Jersey. The remainder of the proposed amendments should not have any economic impact.

Federal Standards Statement

State agencies that propose to amend State rules that exceed Federal standards regarding the same subject matter are required to include in the notice of proposal a Federal standards analysis. The proposed amendment to define "special education" is consistent with Federal law and does not exceed the requirements at 20 U.S.C. § 1401(29). The remainder of the proposed amendments have no Federal analog. Consequently, a Federal standards analysis is not required.

Jobs Impact

The Commission does not anticipate that any jobs will be generated or lost as a result of the proposed amendments. Commenters may submit data or studies on the potential jobs impact of the proposed amendments together with their comments on other aspects of the notice of proposal.

Agriculture Industry Impact

The Commission does not believe the proposed amendments will have any impact on the agricultural industry in New Jersey.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the proposed amendments do not impose reporting, recordkeeping, or other compliance requirements on small businesses as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. As the proposed amendments apply only to families served by the Commission, they do not impact small businesses or private industry, in general.

Housing Affordability Impact Analysis

The Commission does not believe the proposed amendments will have an impact on housing affordability in this State or evoke a change in the average costs of housing in this State because the proposed amendments relate to assisting families with their children's medical expenses.

Smart Growth Development Impact Analysis

The Commission does not believe the proposed amendments will have an impact on smart growth in the State or that the proposed amendments will have an effect on smart growth development in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan. The proposed amendments relate to assisting families with their children's medical expenses.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Commission has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. CATASTROPHIC ILLNESS IN CHILDREN RELIEF FUND PROGRAM

10:155-1.2 Definitions

The following words and terms, as used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Special education," shall mean as defined at 20 U.S.C. § 1401(29), specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including:

1. Instruction conducted in a classroom, in the home, in hospitals and institutions, and in other settings; and
2. Instruction in physical education.

...

10:155-1.3 General requirements

(a)-(b) (No change.)

(c) To be eligible for assistance, a child must be a resident of the State of New Jersey. "Resident" means a person legally domiciled in New Jersey for a period of three months immediately preceding the date of application for assistance to the Fund.

1. A child's state of residence is that [of the parent(s) or legal guardian] **state in which the child resides, either with a parent or legal guardian, or alone if the child has reached the age of 18 or is emancipated from the care and custody of a parent or guardian.**

2. Establishing proof of legal domicile within New Jersey is a responsibility of the parent or legal guardian of a child, **or the child, if the child has reached the age of 18, or is emancipated from the care and custody of a parent or guardian. For the definition of domicile, see N.J.A.C. 9A:5-1.1.**

3.-4. (No change.)

10:155-1.11 State Office responsibilities

(a) The State Office shall:

1. Screen applications to determine whether a child's eligible medical expenses meet the eligibility standard[.];

2.-8. (No change.)

PUBLIC UTILITIES

(a)

BOARD OF PUBLIC UTILITIES

Telecommunications

Proposed Redoption with Amendments: N.J.A.C. 14:10

Proposed Repeals: N.J.A.C. 14:10-6.5 and 10

Authorized By: New Jersey Board of Public Utilities, Joseph L. Fiordaliso, President, Mary-Anna Holden, Dianne Solomon, Upendra Chivukula, and Robert Gordon, Commissioners.

Authority: N.J.S.A. 48:2-13, 48:2-21.15 through 21.23, 48:17-1 et seq., and 56:8-1 et seq.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

BPU Docket Number: TX21040718.

Proposal Number: PRN 2021-109.

Comments may be submitted through January 14, 2022, e-filed through the Board's e-filing system or by email in **Microsoft Word format**, or in a format that can be easily converted to Word, to: rule.comments@bpu.nj.gov or by mail to:

Aida Camacho-Welch, Secretary
NJ Board of Public Utilities
44 South Clinton Avenue
PO Box 350
Trenton, NJ 08625-0350
Attn: Docket No. TX21040718

The agency proposal follows:

Summary

The New Jersey Board of Public Utilities (Board) is proposing to redopt with amendments and repeals its rules governing telecommunications service, N.J.A.C. 14:10. The rules pertain to telephone utilities and other telecommunications providers that are subject to the jurisdiction of the Board, in areas such as service standards, payments for service, Federal telecommunications carrier regulations, and mass migration. The proposed amendments and repeals are aimed at modernizing the current rules to address various industry changes in the evolving telecommunications market, while assuring that basic consumer protections are kept in place.

In developing the rulemaking, the Board conducted stakeholder outreach through public meetings and acceptance of written comments by interested parties. The feedback received was carefully considered and many suggestions were incorporated into the rulemaking.

Pursuant to N.J.S.A. 52:14B-5.1.c, the rules were scheduled to expire on January 21, 2022. As this notice of proposal was filed prior to the expiration date, the expiration date is extended 180 days to July 20, 2022, pursuant to N.J.S.A. 52:14B-5.1.c(2). As the Board has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Following is a section-by-section summary of the rules proposed for redoption with amendments and repeals. Throughout the chapter, amendments are proposed for grammatical, stylistic, and non-substantive reasons and are not specifically discussed.

Subchapter 1. General Provisions

N.J.A.C. 14:10-1.1, Applicability, provides for the applicability of this chapter. Amendments are proposed to remove entities subject to the numbering guidelines of the FCC from the applicability of this chapter.

At N.J.A.C. 14:10-1.2, Definitions, amendments are proposed to delete definitions that are obsolete or outdated and to modernize existing definitions to reflect how telecommunications services are delivered today. The deleted definitions are "presubscribed OSP," "primary interexchange carrier," and "splashing." References to "IXC" and "LEC" are also deleted.

At N.J.A.C. 14:10-1.3, Recordkeeping, general provisions, proposed amendments would clarify that carriers must provide website links to the Board where a complete listing of all the carrier's rates, terms, and conditions, are posted, whether listed in a tariff or product guide. Also, a proposed amendment revises the record retention period for verification of authorization of a switch in carriers from three years to two years.

Subchapter 1A. Telephone Utilities

N.J.A.C. 14:10-1A.1, Applicability, is proposed for redoption without amendment.

N.J.A.C. 14:10-1A.2, General provisions, is proposed for redoption without amendment.

At N.J.A.C. 14:10-1A.3, Rate and special charges information, an amendment is proposed to clarify that the section applies to all of the carrier's rates, terms, and conditions, whether listed in a tariff or product guide.

N.J.A.C. 14:10-1A.4, Directories, pertains to the publication, distribution, and content of telephone directories. Amendments are proposed to reflect the current provision of directories online and subsection (g) has been deleted as it contains a practice that is no longer required.

N.J.A.C. 14:10-1A.5, Held applications, is proposed for redoption without amendment.

At N.J.A.C. 14:10-1A.6, Customer complaints and trouble reports, amendments are proposed to clarify application of exceptions in circumstances beyond the provider's control and to affirm the providers' obligation to keep customer commitments and notify customers of any changes requiring rescheduling or cancellation of service calls.

At N.J.A.C. 14:10-1A.7, Adequacy of service, proposed new subsection (b) requires submission of annual maintenance plans to the Board.

N.J.A.C. 14:10-1A.8, Service quality standards, establishes minimum standards for various measures of service quality. Proposed amendments specify standards for calls when a customer requests a live operator.

N.J.A.C. 14:10-1A.9, Service quality reporting, provides for the measurement of performance in relation to the standards found at N.J.A.C. 14:10-1A.8. Amendments include requiring reporting at the central office level and the assessment of penalties for repeated failure to achieve metrics, with the goal of providing greater accountability for the provision of all services in a safe, adequate, and proper manner.

At N.J.A.C. 14:10-1A.10, Inspections, tests, and maintenance, amendments proposed would ensure that routine maintenance and repair of plant is performed.

N.J.A.C. 14:10-1A.11, Prevention and reporting of service interruptions, is proposed for redoption without amendment.

N.J.A.C. 14:10-1A.12, Construction, is proposed for redoption without amendment.